

CERTIFIED TRUE COPY

ROBERT J. DEL TUFO
ATTORNEY GENERAL OF NEW JERSEY

RECEIVED AND FILED
WITH THE
N.J. BOARD OF DENTISTRY

ON 7-6-92 a.m.

By: Kathy Rohr
Deputy Attorney General
Division of Law - 5th Floor
124 Halsey Street
P. O. Box 45029
Newark, New Jersey 07102
Telephone (201)648-4735

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF MEDICAL EXAMINERS

IN THE MATTER OF THE SUSPENSION :
OR REVOCATION OF THE LICENSE OF : Administrative Action
: :
ARVIN K. BARTOLAZO, D.M.D. : FINAL ORDER
: :
TO PRACTICE DENTISTRY IN THE :
STATE OF NEW JERSEY :

This matter was opened to the New Jersey State Board of Dentistry upon receipt of information that respondent's license to practice dentistry in the State of Pennsylvania was suspended indefinitely by Order dated October 24, 1991, on account of a criminal conviction on three counts of indecent assault. A copy of the Order is attached hereto and incorporated herein by reference. Respondent also holds a New Jersey license to practice dentistry. However his biennial certificate of registration expired in 1989.

The Board finding that the above-described action as well as the underlying conduct which provided the basis for the

action constitute grounds for the suspension or revocation of respondent's license pursuant to N.J.S.A. 45:1-21(f) in that he has been convicted of a crime involving moral turpitude; N.J.S.A. 45:1-21(g) in that he has had his authority to practice dentistry suspended by another state; and N.J.S.A. 45:1-21(e) in that he has engaged in professional misconduct; and it further appearing that the Board finds that the public interest and health, safety and welfare are served and protected by the entry of this Order, and for good cause shown;

IT IS, THEREFORE, on this 8th day of June, 1992,

ORDERED:

1. The license of Arvin K. Bartolazo, D.M.D. to practice dentistry in the State of New Jersey is hereby revoked.
2. Respondent shall return his original New Jersey license to the State Board of Dentistry, 124 Halsey Street, Newark, New Jersey 07102 upon his receipt of this Order.
3. In the event respondent wishes to petition the Board for reinstatement of his license to practice dentistry in the State of New Jersey, he shall be made to appear personally before the Board, and he shall have the burden to demonstrate to the satisfaction of the Board that he is competent and fit to discharge the functions of a licensee in a manner consistent with the public's health, safety and welfare.

4. This Order shall be effective at 5:00 p.m. on July 2, 1992, unless prior thereto respondent submits a written request to Agnes Clark, Executive Director, Board of Dentistry, 124 Halsey Street, Newark, New Jersey 07102, for a hearing, in which case the matter will be set down for final determination on further notice to the respondent.

NEW JERSEY STATE BOARD OF DENTISTRY

By: William R. Cinotti D.D.S.
William R. Cinotti, D.D.S.
Board President

of record, copy, this petition on schedule C handle.
At New Jersey, this 1st day of July, 1992.

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ATTORNEY GENERAL OF NEW JERSEY

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NEW JERSEY STATE BOARD OF DENTISTRY

By: William R. Cinotti D.D.S.
William R. Cinotti, D.D.S.
Board President

of license, now, this provision on schedule of license
At New Jersey, this 1992

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CERTIFIED TRUE COPY

Commonwealth of Pennsylvania :
State Board of Dentistry :

vs. :

Arvin K. Bartolazo, D.D.S., :
Respondent :

Docket No. MISC-91
File No. 90-46-03174

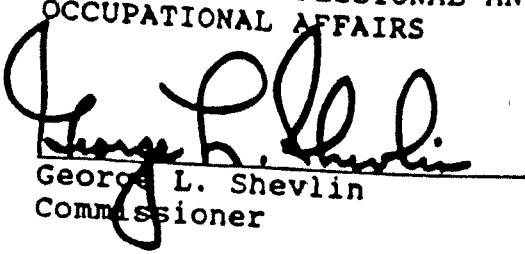
ORDER

AND NOW, this 24th day of October, 1991, upon consideration of the Consent Agreement entered into between the State Board of Dentistry and the Respondent, Arvin K. Bartolazo, D.D.S., is in violation of the Dental Law at 63 P.S. §123.1(a)(4) and 63 P.S. §123.1(a)(8). As a consequence of this violation, the Board hereby issues the following Order:

- a. Respondent's license to practice dentistry in the Commonwealth of Pennsylvania is indefinitely **SUSPENDED**;
- b. Said indefinite **SUSPENSION** shall last for a minimum period of five years from the date of the Order. After that time, Respondent may seek termination of the **SUSPENSION** and a reactivation of his license to practice dentistry in the Commonwealth of Pennsylvania. At that time, the Board, in its discretion, may either grant the petition of termination of **SUSPENSION** and reactivation of license, deny the petition, or schedule a hearing. At that hearing, this Consent Agreement and Order shall be admissible as evidence and Respondent shall bear the burden of proof as to why his license to practice dentistry should be reactivated at that time;
- c. Respondent will immediately cease and desist from the practice of dentistry. Respondent will return the wall certificate, display license and wallet renewal card to the Board in tandem with this executed Consent Agreement and Order. If Respondent is not in possession of any of these documents, he will cause to be executed a signed and sworn affidavit as to the reason for his failure to provide these licensure documents and promise to forward said documents to the Board if and when they are located.

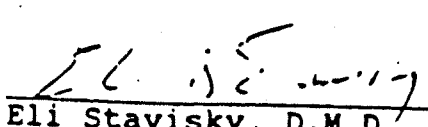
This Order is to take effect immediately upon the date of
signing of this Order **October 24**, 1991.

BUREAU OF PROFESSIONAL AND
OCCUPATIONAL AFFAIRS


George L. Shevlin
Commissioner

BY ORDER

STATE BOARD OF DENTISTRY


Eli Stavisky, D.M.D.
Chairman

00-020885-1m

00-020885-1m License Number

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

PROTESTATORY

OCT 25 9 07 AM '91

Commonwealth of Pennsylvania :
State Board of Dentistry :

vs. :

Arvin K. Bartolazo, D.D.S., :
Respondent :

Docket No. MISC-91
File No. 90-46-03174

To: Arvin K. Bartolazo, D.D.S.
430 Fitzwater St.
Philadelphia, PA 19147

Arthur T. Donato, Jr., Esq.
Malady & Donato
211-213 North Olive St.
Media, PA 19063-2810

CONSENT AGREEMENT

IT IS HEREBY stipulated by the parties to the above-captioned matter that the following are true:

1. The State Board of Dentistry of Pennsylvania (hereinafter "Board") is a departmental administrative board of the Department of State, organized under the provisions of the Administrative Code of 1929, the Act of April 9, 1929, P.L. 177, as amended, 71 P.S. §51 et seq.
2. Respondent is currently licensed to practice dentistry in the Commonwealth of Pennsylvania under License Number DS-026595-L.
3. Respondent's last known address on file with the Board is 430 Fitzwater Street, Philadelphia, Pennsylvania 19147.
4. The Respondent herein waives the filing of an Order to Show Cause, the same of which would set forth the charges and Allegations against Respondent, and the right of the Respondent to request a hearing to show cause why his certificate and license to practice dentistry in the Commonwealth of Pennsylvania should not be revoked, suspended or censured and why a civil penalty should not be levied upon Respondent.
5. The Respondent has been duly advised of his right to an administrative hearing, to be represented by counsel, to present witnesses and testimony and to cross-examine witnesses and to challenge evidence presented by the Commonwealth, and to present legal argument by means of a Brief before the Board and to take appeal from any decision adverse to his right to continue to be a licensed dentist in the Commonwealth of Pennsylvania.

6. In August, 1990, in Delaware County, Pennsylvania, Respondent was arrested and charged with three (3) counts of indecent assault, in violation of Section 3126 of the Pennsylvania Crimes Code, 18 P.S. §3126.

7. This arrest arose out of allegations by three (3) separate female patients that on three occasions they were assaulted by Respondent while in the dental chair.

8. Two (2) of the patients stated that the Respondent touched or pinched their breast during a dental examination; the other patient stated that, in addition to the touching or pinching of the breast, Respondent placed his hand between her legs to remove a piece of gauze.

9. On July 15, 1991, in the Court of Common Pleas of Delaware County, Respondent pled guilty to the above-referenced three counts of indecent assault.

10. The crime of indecent assault is a misdemeanor of the second degree.

11. Respondent admits that he has violated the Dental Law, the Act of May 1, 1933, P.L. §216, No. 76 as amended, 63 P.S. §123.1(a)(4), by having pled guilty to a misdemeanor involving moral turpitude through his plea to three (3) counts of indecent assault.

12. Respondent admits that he has violated the Dental Law, 63 P.S. §123.1(a)(8), by having engaged in unprofessional conduct through his actions toward the female patients mentioned in the above-referenced criminal charges in that he did inappropriately touch said patients without their consent.

Attorney for Respondent

13. Based upon the aforementioned violations, Respondent consents to the issuance of the following Order:

a. Respondent's license to practice dentistry in the Commonwealth of Pennsylvania is indefinitely **SUSPENDED**;

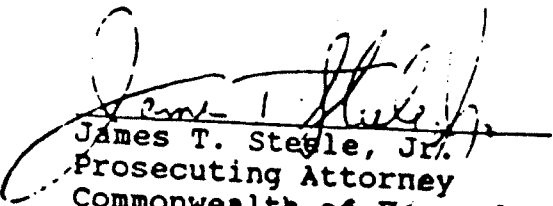
b. Said indefinite **SUSPENSION** shall last for a minimum period of five years from the date of the Order. After that time, Respondent may seek termination of the **SUSPENSION** and a reactivation of his license to practice dentistry in the Commonwealth of Pennsylvania. At that time, the Board, in its discretion, may either grant the petition of termination of **SUSPENSION** and reactivation of license, deny the petition, or schedule a hearing. At that hearing, this Consent Agreement and Order shall be admissible as evidence and Respondent shall bear the burden of proof as to why his license to practice dentistry should be reactivated at that time;

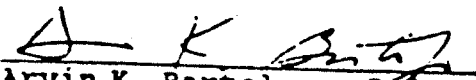
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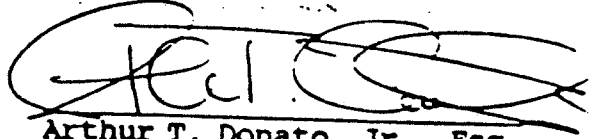
14. It is understood that this disciplinary action is reportable to the National Data Bank.

15. The parties understand that this Consent Agreement is between the prosecuting attorney and the applicant only.

16. Respondent verifies that the facts and statements set forth in the foregoing are true and correct to the best of his knowledge, information and belief. Respondent understands that false statements herein are made subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.


James T. Steyle, Jr.
Prosecuting Attorney
Commonwealth of Pennsylvania
State Board of Dentistry


Arvin K. Bartolazo, D.D.S.
Respondent


Arthur T. Donato, Jr., Esq.
Attorney for Respondent

DATE: 10-3-91